

REGULAR MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

APPEALS

Friday, March 25, 2022
9:00 a.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

AGENDA

CALL TO ORDER **Commission's Chair, Chairman Russell**
ROLL CALL **Presiding Appellate Officer, Commissioner Tilly**
BUSINESS **Presiding Appellate Officer, Commissioner Tilly**

STATEMENT OF COMPLIANCE BY CHAIRMAN

THE FOLLOWING MATTERS ARE PRESENTED FOR CONSIDERATION AND ACTION, IF ANY, DEEMED APPROPRIATE BY THE COMMISSION

A. MINUTES:

- The drafted Minutes of the Special Appeals Meeting of March 8, 2022 will be considered for approval.

B. Appeal Hearings before the Commission En Banc from Orders Issued by the Commission's Administrative Law Judges

The hearings before the Commission en banc will be conducted pursuant to the authority and jurisdiction of the Administrative Workers' Compensation Act, Title 85A O.S. § 1 et seq., and the Workers' Compensation Commission's Permanent Rules, OAC 810. The Commissioners may recess for lunch.

The procedure for the hearings before the Commission en banc is as follows:

- Each side will be allowed ten (10) minutes for oral arguments.
- The appellant will present first. Appellant may divide his or her ten minutes for argument, allowing a portion of that time for rebuttal.
- Both parties are subject to questioning by Commissioners.

1. Margaret Smith v. MITF, File #CM3F-2014-11609J

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Rich S. Toon Jr. is the attorney of record for the Claimant and Stefan Wenzel is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; affirming the order and decision of the Administrative Law Judge and issuing an order to that effect; or taking preliminary action in the matter to reverse, modify, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

2. Henry Wuneburger v. MITF, File #CM3F-2015-03231Y

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Michael C. Bell is the attorney of record for the Claimant and Stefan Wenzel is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; affirming the order and decision of the Administrative Law Judge and issuing an order to that effect; or taking preliminary action in the matter to reverse, modify, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

3. William Coble v. MITF, File #CM3F-2016-00693X

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Susan H. Jones is the attorney of record for the Claimant and Stefan Wenzel is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; affirming the order and decision of the Administrative Law Judge and issuing an order to that effect; or taking preliminary action in the matter to reverse, modify, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

4. James Pratte v. MITF, File #CM3F-2017-01112J

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Jack G. Zurawik is the attorney of record for the Claimant and Stefan Wenzel is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; affirming the order and decision of the Administrative Law Judge and issuing an order to that effect; or taking preliminary action in the matter to reverse, modify, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

5. **Ben Mullins v. A1 Freeman North American Inc. and Great American Alliance Insurance Co., File #CM3-2019-03671L**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Eric W. Quant is the attorney of record for the Claimant and Travis A. Fulkerson is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; affirming the order and decision of the Administrative Law Judge and issuing an order to that effect; or taking preliminary action in the matter to reverse, modify, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

6. **Melissa Busbee v. Pizza Hut and American Zurich Insurance Co., File #CM3-2019-08045A**

Respondent filed an appeal from the order issued by Administrative Law Judge Blodgett. Michael R. Green is the attorney of record for the Claimant and Kymberly J. Watt is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; affirming the order and decision of the Administrative Law Judge and issuing an order to that effect; or taking preliminary action in the matter to reverse, modify, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

7. **Troy Johnston v. Melton Truck Lines Inc., File #CM3-2020-05834H**

Claimant filed an appeal from the order issued by Administrative Law Judge Blodgett. Kathryn Black is the attorney of record for the Claimant and Daniel C. Blanchard is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; affirming the order and decision of the Administrative Law Judge and issuing an order to that effect; or taking preliminary action in the matter to reverse, modify, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the

Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

C. Commission Consideration of Adoption of Final Order in the Following Cases:

1. Earl Appleberry v. Western Flyer Express LLC and United States Fire Insurance Co., File #CM3-2019-07029Q

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Timothy Kent appeared for the Claimant and Travis A. Fulkerson appeared for the Respondent.

This case came on for Oral Argument on November 19, 2021. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission ordered additional briefing and continued the matter.

Possible Action:

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

2. John Rosson v. Roundtree Automotive Group LLC and State National Insurance Co., File #CM3-2019-03668K

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Michael R. Green appeared for the Claimant. Blake Farris appeared for the Respondent.

This case came on for Oral Argument on December 17, 2021. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Possible Action:

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

3. Michelle Morton v. Wal Mart Stores Inc. and Wal Mart Associates Inc. (OWN RISK), File #CM3-2019-07945F

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Darrell Paul appeared for the Claimant and Jordan S. Ensley appeared for the Respondent.

This case came on for Oral Argument on December 17, 2021. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Possible Action:

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

4. Ray McGlocklin v. Jernigan's Sporting Goods Inc., File #CM3-2020-01803F

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. John R. Colbert is the attorney of record for the Claimant. Timothy E. Lurtz and Cathy C. Barnum are the attorneys of record for the Respondent.

This case came on for Oral Argument on January 28, 2022. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Possible Action:

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

ADJOURNMENT.....Presiding Appellate Officer, Commissioner Tilly